

MIKE R. BLACK, )  
)  
Plaintiff, )  
)  
vs. ) Case No. 2:08CV0060 JCH/AGF  
)  
MICHAEL ASTRUE, )  
Commissioner of Social Security, )  
)  
Defendant. )

Currently before the Court is Defendant's motion to reverse and remand this Social Security disability case pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). This action was referred to the undersigned United States Magistrate Judge under 28 U.S.C. § 636(b) for recommended disposition.

Plaintiff filed this action for judicial review of the Commissioner's final decision to terminate Plaintiff's disability benefits due to an alleged medical improvement. The Commissioner now states that agency counsel asked the Appeals Council of the Social Security Administration to reconsider the Commissioner's decision, and that upon review, the Appeals Council determined that remand was appropriate for further consideration. The Commissioner asserts that upon remand by the Court, the Appeals Council will issue a fully favorable decision, with the intention of finding no medical improvement, and finding Plaintiff disabled beginning January 10, 2005, through, at least, the date of the


Appeals Council's decision. Plaintiff's counsel has filed a reply to the Commissioner's motion, representing to this Court that Plaintiff has no objections.

Title 42 U.S.C. § 405(g) provides, "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Court finds that the Commissioner has made a sufficient showing of good cause to reverse and remand this case for further action.

Accordingly,

**IT IS HEREBY RECOMMENDED** that Defendant's motion to reverse and remand the case to the Commissioner for further consideration be **GRANTED**. [Doc. #12]

The parties are advised that they have ten (10) days to file written objections to this Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained.

  
AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE

Dated this 25th day of March, 2009.